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February 27, 2020

By ECF

Hon. Mary Kay Vyskocil
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
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Re: Damond Bailey v. City of New York, et al.,
19 Civ. 1488 (ER)

Your Honor:

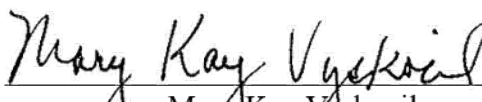
I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, attorney for defendant City of New York in the above-referenced matter. I write to respectfully request that defendant's motion for summary judgment, which is due to be filed on March 5, 2020, be held in abeyance.

By way of background, on January 30, 2020, plaintiff's counsel George T. Peters, Esq. wrote to the previously-assigned District Judge Edgardo Ramos to inform the Court that he anticipated filing a motion to withdraw as plaintiff's counsel. However, as Mr. Peters was feeling "under the weather," he had not yet done so, nor had plaintiff executed a written consent form permitting Mr. Peters to withdraw. Given the ambiguity of plaintiff's representation status, Mr. Peters asked that the Court suspend briefing of defendant's summary judgment motion. In response, District Judge Ramos granted Mr. Peters' letter motion and adjourned the date for defendant to file its motion from January 31, 2020 to March 5, 2020.

Since Mr. Peters filed his letter motion, he has not moved to withdraw from representing plaintiff, nor has new counsel filed a notice of appearance on behalf of plaintiff. Given the continued ambiguity of plaintiff's representation status and Mr. Peters' lack of action, defendant respectfully requests that briefing of defendant's summary judgment motion be held in abeyance until plaintiff's status as either *pro se* or represented by new counsel is clarified.

Defendant's request for a further extension of time to move for summary judgment is DENIED. The purported ambiguity in the representation of plaintiff does not provide a legitimate justification for defendant's request. SO ORDERED.

Date: 3/2/2020
New York, New York


Mary Kay Vyskocil
United States District Judge

I thank the Court for its time and consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Arko', with a long horizontal flourish extending to the right.

Christopher G. Arko
Senior Counsel

cc: George T. Peters. (By ECF)
Attorney for plaintiff

Damond Bailey (By mail to last known address)
Plaintiff